IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 33965 of 2007(R)

PETITIONER:

G.GOPALAKRISHNAN NAIR,
CHEMBUKANDATHIL VEEDU, PUTTADI P.O.,
VANDANMEDU, IDUKKI DISTRICT.

BY ADV. SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR
SRI.GILBERT GEORGE CORREYA
SRI.NISHIL.P.S.

RESPONDENTS:

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1. **THE STATE OF KERALA - REPRESENTED BY THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PANCHAYAT, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF PANCHAYAT, IDUKKI, THODUPUZHA.**

4. **THE DIRECTOR, VIGILANCE AND ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 33965 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

The petitioner who retired from service on 31.12.2005 is aggrieved by the fact that the retirement benefits by way of regular pension and DCRG are yet to be disbursed to him. On enquiry, he understands that the only reason for the delay in the disbursal of the same is pendency of the vigilance investigation pursuant to VC 6/2003/IDK.

2. On instruction, learned Government Pleader submits that vigilance investigation has been completed. There is a recommendation for initiation of departmental action against the petitioner. It is in these circumstances, the retirement benefits have not been disbursed.

After having heard the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of in the following terms:

i) Petitioner shall file a representation before the 2nd respondent -Director of Panchayats along with a copy of this judgment, within one month from today seeking disbursal of the

DCRG and other benefits which are due to him .

ii) On receipt of such a representation, the 2nd respondent shall take steps for forwarding the pension papers relating to the petitioner to the Director of Local Fund Audit, within two months and on receipt of sanction orders from the Director of Local Fund Audit, the DCRG due to the petitioner shall be disbursed. It is made clear that if there is a proposal to finalise any liability as regards the petitioner, the same shall be done, within a period of three months from the date of receipt of the representation from the petitioner , after due notice to him.

iii) If there is any liability fixed against the petitioner, then the balance amount due to him by way of DCRG shall be disbursed without further delay.

iv) The petitioner shall also produce another copy of the judgment before the 1st respondent along with a representation seeking an expeditious completion of any proceedings that may be initiated against the petitioner, departmentally, pursuant to the recommendation stated to have been made by the Director of Vigilance and Anti Corruption Bureau in relation to VC 6/2003/IDK. If such a representation is received, within one

month, the 4th respondent shall take a decision on the question as to whether departmental proceedings have to be initiated against the petitioner, within a period of two months and if no departmental proceedings are initiated, the petitioner will be entitled to regular pension as is due and admissible. The entire process as mentioned above shall be completed without delay and at any rate, within a period of six months from the date of receipt of judgment by the 2nd respondent and the 1st respondent

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007